

REMARKS

This Amendment is in response to the non-final Office Action mailed June 29, 2005. Claims 2 and 8 have been cancelled. Claims 1, 3 and 6 have been amended. New Claims 9 and 10 have been added. Accordingly, Claims 1, 3-7 and 9-10 are pending. In view of the amendments and remarks set forth herein, reconsideration is respectfully requested.

Claims 1-8 stand rejected under 35 U.S.C. §102(a) as being anticipated by U.S. 2003/0195246 A1 filed by Nakamura et al. The Examiner asserts that Nakamura et al. discloses all of the elements of Claims 1-8.

It is well settled that a claim is anticipated only if each and every element as set forth in the claim is found in a single prior art reference. Applicants respectfully assert that Nakamura et al. does not disclose all the elements of the pending claims as amended.

Claim 1 has been amended to further specify the upper range of the particle diameter of the seamless capsules to be 8 mm. This range falls outside of the diameter disclosed at Examples 1 and 2 of Nakamura et al. and noted by the Examiner.

Claim 1 has also been amended to further specify an amount of added plasticizer having a lower range of 40% by mass with respect to the total amount of shell material, excluding water. This higher amount of plasticizer improves the solubility of the seamless capsules in an oral cavity.

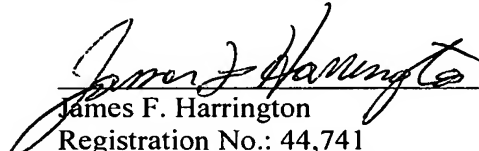
Nakamura discloses the use of glycerin in an amount of 5-50 parts per 100 part by *weight of the gelatin*, as opposed to the total weight of the shell material, which comprises

both the glycerin and gelatin. Thus, contrary to the range now claimed by the Applicants, Nakamura discloses a range of 5-33.3% with respect to the total weight of the shell material.

In addition, the ratio of shell material to filler material has been amended to an upper range of 20:80. The thinner shell of the seamless capsule serves an object of the invention, which is manufacturing seamless capsules with an improved solubility in an oral cavity.

Applicants respectfully submit that the application is now in proper form for allowance, which action is earnestly solicited. If resolution of any remaining issue is required prior to allowance of the application, it is respectfully requested that the Examiner contact Applicants' attorney at the telephone number provided below.

Respectfully submitted,


James F. Harrington
Registration No.: 44,741
Attorney for Applicant(s)

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(516) 822-3550
JFH/jp

s